

- UNFILED -

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THE MAGNAVOX COMPANY,  
a Corporation, and  
SANDERS ASSOCIATES, INC.,  
a Corporation,

: Consolidated Civil  
Actions No. 74 C 1030 ✓  
: No. 74 C 2510 ✓

Plaintiffs, : DEPOSITION OF:

-v-

CHICAGO DYNAMIC INDUSTRIES,  
INC., a Corporation,

: HARRY L. COOKE

Defendant. :

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Transcript in the above-entitled matter  
taken before Guy J. Renzi and Edwin Silver, Certified  
Shorthand Reporters and Notaries Public of the State of  
New Jersey at 824 West State Street, Trenton, New Jersey,  
on Wednesday, October 27, 1976, commencing at 9:30 a.m.

A P P E A R A N C E S

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A P P E A R A N C E S: (Continued)

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WITNESSPAGE

HARRY L. COOKE

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MR. TRIPOLI: On Friday, October 22nd, 1976, Mr. Goldenberg, counsel for Seeburg Corporation, and Mr. Williams, counsel for Magnavox Company, were the invited guests of the RCA Corporation at the David Sarnoff Research Laboratories located in Princeton, New Jersey. That visit lasted for some two to three hours. Mr. Goldenberg and Mr. Williams are appearing today, as well as Mr. Threedy and Mr. Anderson as counsel for the respective parties.

In preparation for their visit on Friday, RCA did all that was reasonably possible in respect to the search for facts, documents and things in the possession of RCA which might be relevant to these proceedings.

During the course of their visit last Friday, Mr. Goldenberg and Mr. Williams were shown a short film, which I understand was photographed by the British Broadcasting Company. The film depicted in RCA developed an electronic pool game using a computer, a display device and a light pen. In fact, the film was shown twice to counsel for the parties.

In addition, Mr. Goldenberg and Mr. Williams

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were permitted to question RCA employees, namely, A.H. Teger, Mr. B. J. Letner and Mr. H. L. Cooke on an informal basis.

Counsel for the parties were not restricted in any manner as to the formal content of the questions put to the RCA personnel.

In addition, a folder of documents was provided for review by counsel relative to the matters contained in each of their subpoenas. After reviewing the folder, Mr. Goldenberg and Mr. Williams agreed upon a list of documents which would be reproduced and presented by RCA to the parties here this morning, and I now hand each of the parties copies of those documents.

RCA further agreed at the request of counsel for both parties and at their expense to have two prints of the previously mentioned motion picture prepared. Those pictures were ordered, they have not arrived as of yet.

I have been informed that there is a good chance that they will be here sometime today. And we are trying to make arrangements to have them brought in today. If not today, we hope to have them here tomorrow.

It is my understanding that Mr. Goldenberg

has indicated that he was satisfied that the production by RCA was in compliance with the requests of his subpoena, is that correct, Mr. Goldenberg?

MR. GOLDENBERG: That is correct.

MR. TRIPOLI: It is my further understanding that the parties hereto have waived the requirement of written designation in connection with Rule 30b-6 of the Federal Rules of Civil Procedure; is that correct, Mr. Williams?

MR. ANDERSON: I think if at this time you will designate who RCA is producing with response to 30b-6, that will be fine.

MR. TRIPOLI: I am.

MR. ANDERSON: And that is with respect to each of the subject matters in this subpoena?

MR. TRIPOLI: Yes.

MR. ANDERSON: All right.

MR. TRIPOLI: Written designation is all right?

MR. ANDERSON: Yes.

MR. TRIPOLI: Mr. Goldenberg?

MR. GOLDENBERG: Fine.

MR. TRIPOLI: On Friday, October 22, 1976, at the conclusion of this meeting referred to earlier, RCA agreed to continue its search for documents which might be considered responsive to Mr. Williams' subpoena. RCA has continued to do all things reasonably possible to ascertain any additional facts, documents, or things which might be relevant to these proceedings. In fact, we have uncovered the following additional document, which is entitled "Computer in the Home Study," by L. J. French, A. H. Teger. It's dated April, 1967.

In connection with this document, I reviewed it, and I really don't think it is in point insofar as these proceedings are concerned. However, the document does mention in at least one place, if not two, an electronic pool game. And in view of that fact, I decided that it would be best to produce it for your inspection.

I will now hand each of you a copy of this document for your inspection.

[Off the record.]

MR. TRIPOLI: At this point in time, it would appear as though RCA has produced



all of the documents and things that we possibly could in respect of this matter.

I wonder now, Mr. Williams, if you are now prepared, based on the production, to indicate whether or not you are in agreement that RCA has complied with the requirements of the subpoena.

MR. ANDERSON: Well, I'm afraid there is really no way of our knowing whether RCA has. We are certainly impressed with RCA's efforts to comply with the subpoena.

I would ask with respect to this last document you have just handed us, entitled "Computer in the Home Study," by L. J. French and A. H. Teger, dated April, 1967, are there any follow-up documents with respect to that paper that you know of at all?

MR. TRIPOLI: Not that I know of. The manner that we obtained that document was through a telephone conversation with L. J. French. I asked him to look through his files for any and all documents that might be related to this matter, specifically electronic pool game, and this was the only document he found by a review of his files.



MR. ANDERSON: Is Mr. French still an RCA employee?

MR. TRIPOLI: Yes, he is.

MR. ANDERSON: Can you state where he is located?

MR. TRIPOLI: He is presently located at the facility in Somerville, New Jersey.

MR. ANDERSON: Well, from your statement, we are certainly satisfied that RCA has made a diligent search. I don't think we can stipulate that they have done everything possible, because we don't know what is possible. But we are satisfied with the diligence and the effort.

MR. TRIPOLI: Fine.

I turn the witness over to counsel.

MR. GOLDENBERG: For the record, I would like to state this deposition of Mr. Cooke is being taken pursuant to subpoena and by agreement between counsel for the parties to this matter and counsel for RCA, Mr. Tripdi, and Mr. Cooke. The depositions are being taken at this location for the apparent convenience of all the parties.

...HARRY L. COOKE, being duly sworn,  
was examined and testified as follows:

DIRECT EXAMINATION BY MR. GOLDENBERG:

Q Mr. Cooke, could you state your full name  
and residence address.

A Harry L. Cooke; 144 Sycamore Road, Princeton,  
New Jersey.

Q By whom are you employed, sir?

A RCA.

Q How long have you been employed by RCA?

A Twenty-six years.

Q What is your present position by title,  
general statement of your responsibilities?

A Presently I am manager, administrative and  
technical operations, solid state technology center,  
RCA.

Q In what geographical location?

A Somerville, New Jersey.

Q Could you tell me what your position and general responsibilities were in the calendar 1967?

A I was Manager, Information Services and Technical Relations at RCA Laboratories in Princeton, New Jersey.

Q What generally were your duties at that time, sir?

A I was responsible for the general flow of technical information from RCA Laboratories to the outside world and business associates of RCA Laboratories.

Q Do you recall anything about any kind of exhibition or demonstration conducted by RCA in 1967?

A At that time we had a celebration of RCA Laboratories 25th anniversary; at which time we had a number of invited guests and general public to witness various different activities of the laboratories.

Q And what time of the year was that celebration?

A It was in the spring of the year, I believe.

I believe. I am not quite sure.

Q Let me, if I may, I would have --

MR. ANDERSON: I just want to establish that before you show the witness any document, you may want to establish his recollection and I object to coaching the witness with documents if you want his recollection.

If you want him to read the document, I will stipulate to the document.

MR. GOLDENBERG: I already have his recollection. He testified that he thought it was in the spring of the year.

Is that your best recollection, sir?

THE WITNESS: It would have to be between the spring and the fall. I haven't tried to look up the dates.

MR. GOLDENBERG: I would like the reporter to mark for identification as RCA Deposition Exhibit 1 a five-page document.

(Exhibit RCA-1 received and marked as an exhibit.)

Q I show you RCA Exhibit 1 and ask you if you can identify it?

MR. ANDERSON: I object to the use of any exhibit to lead or coach the witness, which is

what this document will be doing, and I think if you want the witness's independent recollection of any event or fact, you should establish ~~that~~ before you place before him a document which you believe may relate to the subject matter of this testimony.

Once you show him a document, then the document becomes the evidence rather than his testimony, and I object to the procedure.

MR. GOLDENBERG: Mr. Anderson, as I said a moment ago, I thought I had already elicited his recollection on the matter.

MR. ANDERSON: Only on one particular question, the date. The document, I think, has more than the date in it.

Q Without agreeing that there is any particular merit to Mr. Anderson's objection, I ask you, sir, doing no more than looking at the top page of Exhibit 1, I ask if you can identify it?

A Yes.

Q Could you state what it is, sir?

A A general announcement as par to, as I recall, a brochure that was handed out to visitors who attended the 25th Anniversary.

Q Looking at Exhibit 1, is your recollection refreshed as to the date of this 25th anniversary celebration?

A Of course, it is right here.

Q Could you give your recollection now, after you have had the benefit of looking at Exhibit 1, sir, as to when the celebration occurred?

If you don't understand my question, please tell me and I will do my best to explain it.

A Well, I have to understand what we are defining here because there were two parts to this celebration. And as I related before, one was invited guests and the other was more of the general public. And, so the dates that you are requesting are the dates of what?

Q Well, first with respect to the celebration insofar as the invited guests were concerned.

A The invited guests were there for two days, Thursday and Friday. It would have to be September 28th and September 29th. The general public was there September 30th and October 1st.

Q Could you describe who these invited guests were, generally; where they came from, how they were invited?

A     The guests were invited by special invitation. A letter was sent to them requesting or asking if they would be interested in participating in the celebration of the 25th anniversary of RCA Laboratories. The guests generally were rather important dignitaries in the field of science, engineering, from many companies both domestic and foreign, including vice presidents, chairmen of the board, notable scientists.



Q Do you presently recall the names and institutional associations of any of those invited guests?

A That's a tough one. I could verify names if I had a list of names. But I remember they were invited from Bell Laboratories; IBM; Philips Laboratories, in Eindhoven, Netherlands; Swiss Federal Institute, in Switzerland; Toshiba; Hitachi; Sony; Siemens, in Germany; and I cannot remember distinctly, but I would guess--is that permissible?

Q Your best recollection, is all we are seeking, sir.

A Well then, I can't guess.

MR. ANDERSON: I would object to guessing.

I will probably permit it, but I would object.

Q You do understand that we are seeking your best recollection. And if you feel that you are speculating or guessing, that's not what we are trying to elicit here.

A Okay.

Q Did you have anything to do with inviting those guests?

A Not directly. Indirectly by virtue of participating in the discussions.

Q How were the guests invited?

A By letter.

Q Who wrote the letters, if you recall?

Dr. James Hillier.

MR. ANDERSON: Could you spell that.

THE WITNESS: H-i-l-l-i-e-r.

Q Could you identify Dr. Hillier, please?

Vice President, RCA Laboratories.

MR. GOLDENBERG: I would like the reporter to mark as RCA deposition exhibit 2 this document.

[List of guests received and marked RCA deposition exhibit No. 2 for identification.]

Q Mr. Cooke, I hand you document which is marked as exhibit 2, and ask you if you could identify it?

MR. ANDERSON: I would object on the ground that there is no foundation for that question, that this witness has any reason to believe there is a document of this kind in existence; and, therefore, the question with the document before him is leading.

MR. GOLDENBERG: The document was produced to us by RCA from its files.

I would ask Mr. Tripoli if he can affirm that.

MR. TRIPOLI: That is correct.

MR. ANDERSON: I will stipulate to that. But I don't think that establishes any relationship of this witness or his knowledge of what he is about to say prior to looking at the document.

MR. GOLDENBERG: It will be simple enough, Mr. Anderson. If he can't identify it, I'm sure he will tell us.

BY MR. GOLDENBERG:

Q Mr. Cooke, can you--

MR. ANDERSON: May I just make one more comment.

Mr. Tripoli, as I understand it, this document which Mr. Goldenberg has marked as Exhibit 2 comes from Mr. Hurford's files; is that correct?

MR. TRIPOLI: That is correct.

BY MR. GOLDENBERG:

Q Mr. Cooke, would you answer the question?

A Yes. This is a listing of guests that were invited for the special Thursday and Friday event of the 25th anniversary. This is a means by which we kept track of who was invited, who was to come, and whether in fact they needed special arrangements,

or whatever else was necessary for their convenience.

Q Have you ever seen that document before, sir?

A Yes.

Q Could you state when?

MR. ANDERSON: I object. There are several very similar documents, with different notations on them.

Do you mean the type form before it was changed, or as it stands in front of the witness as Exhibit 2?

MR. GOLDENBERG: I meant precisely what I said.

MR. ANDERSON: You mean this piece of paper that he has in front of him, this particular copy?

MR. GOLDENBERG: The witness understands.

MR. ANDERSON: Well, I don't. Are you asking about --

MR. GOLDENBERG: Then come back to the witness on cross-examination, Mr. Anderson, as is your right.

MR. ANDERSON: I would just point out that RCA has produced for us a second one that looks very similar but is different. I think the record should be clear what the witness

is referring to, that's all.

MR. GOLDENBERG: I think the record is clear. It's been marked as an exhibit, and we will have the witness's testimony.

THE WITNESS: Is there a first question?  
I'm sorry.

BY MR. GOLDENBERG:

Q Have you ever seen that document before, sir, or a copy of it?

A I have seen this, yes. As I stated before, this is the way and means by which we tried to keep track of the guests who were invited and what special arrangements and accommodations had to be made for special invited guests.

Q Mr. Anderson mentioned a Mr. Hurford.

A Yes.

Q Could you identify him, sir, if you know him?

A Yes. Mr. Hurford is Manager of the Personnel Department at RCA Laboratories.

Q Did you work for Mr. Hurford in 1967?

A No, I did not.

Q To your knowledge, did Mr. Hurford have any connection with this celebration?

A Yes, as did many people in the laboratories.

1 Q Do you know specifically what connection  
2 he had?

3 A Well, directly I could say that he, as part  
4 of his function, was responsible for the cafeteria,  
5 and in the cafeteria we had to feed people and he  
had to know how many people were coming and who they  
were.

MR. GOLDENBERG: I would like the reporter  
to mark as RCA Deposition Exhibit 3 another  
document, being a listing of names and  
organizations.

(List of names and organizations received  
and marked as RCA Deposition Exhibit No. 3 for  
identification.)



Q Mr. Cooke, I show you RCA deposition exhibit 3 and ask you if you have ever seen that document before and if so, can you identify it?

A Again, this is the means by which we try to keep track of the people we invited and the people who were coming and what activities they were going to participate in.

Q When you say we, sir, would you state who you mean by we?

A Specifically these were lists that were kept by my secretary so that she and I could work together in terms of what we had to do for our invited guests.

Q Did your secretary prepare the original of either Exhibit 2 or Exhibit 3?

A Yes.

Q Was this done under your direction?

A Yes.

MR. GOLDENBERG: For the record, I might state that there are some differences between Exhibit 2 and Exhibit 3. I will not go into that because I think a comparison of the documents reveals those differences.

Q Mr. Cooke, I would ask you to take Exhibit 2 and could you, by reference to the designations, column designations extending across

the top of the first page, tell us what those mean?

A Are you referring to "OH"?

Q Yes.

A The OH referred to the open house. This, in effect, said whether the person was coming or not coming and on which date.

The SYM refers to symposium which we ran, and in the letters of invitation we asked that the guest designate whether they will be attending the open house, the symposium or the banquet, which is the BAN, referring to the banquet which was held, and whether or not their wife would be attending.

I am sorry, I don't recall at the moment what LP stood for. I might recall it as we go along here.

Q All right, sir. What is your explanation for the word rooms appearing across three of the columns?

A This meant that the guest did require rooms and that we had to find appropriate accommodations for the people and for the nights identified.

Q Is that what the numbers below the letter designations stands for, is nights?

A Yes.

Q So would it be a correct understanding that under OH, that stood for the 28th, the night

of the 28th?

A Under OH it would say that the person was here or intended to be here at the open house on the 28th.

Q I see, sir.

What is the explanation for hotel or motel appearing in the last column?

A This was where we were booking hotel - motel accommodations.

Q When was the original of exhibit 2 prepared, if you recall?

A I think it would be impossible for me to give a specific date. I couldn't recall a specific date in which this was prepared. It was prepared prior to the open house.

Q Was it prepared before or after the invitation went out?

A The specific document that I am looking at here, a document that I am looking at here, I couldn't verify that either in the sense that we went through many iterations of listings of people.

Q I see, sir. What is the significance of the X entries on the documents, Exhibit 2 and Exhibit 3, for that matter?

A The X entries in here were an indication to us that we had received a response from the invited

1 guests and they had indicated on their reply that they  
2 would be attending the open houses or the symposiums  
3 or the banquet on the designated days.  
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8

Q Would it be correct understanding then that this was prepared after the acknowledgements of the invitations were received?

A The document, as I have it here, I would say yes, because we would not have the X's in here were it not for the fact that we had some replies.

Q Do you have knowledge as to whether or not the people listed in Exhibits 2 and 3 actually attended the various functions in connection with the celebration?

A I can't verify all of them. I do know some of the people in here and I can verify those that I know personally were here.

Q Could you do that, sir, to the extent that you can?

A Sure. Pierre Aigrain.

Q And he is listed at the top of page 1 of Exhibit 2?

A There would be a number of them in here.

Q Just go down the list and read them off and state what page you are reading from, if you could do that?

A All right. Borgnis. These are all on the first page. de Haan, number 10. Holzler, Humphreys, Kleen, Pannenberg, Ponte, Takayanagi, number 33.

Welker. The third page, Baker, Coons, Favreau.

I am going only by those that I recall.

Q I understand, sir.

A Piore.

Q You are on page 4 now?

A Yes. Now I am on 5. Bronk. Easton, Farris. Turkevich.

MR. ANDERSON: Just so the record is clear, the pages are not numbered, you are just counting, is that correct?

MR. GOLDENBERG: That's correct.

THE WITNESS: Odorizzi, Sarnoff.

Q That is page number 7 in Exhibit 2, for the record, those last two.

You mentioned Sarnoff, sir?

A David.

Barone, Benavie, Bradburn, Erdman, Holtz, Johnson, Karns, Kilbon, Lamont, Kreuser.

Might I say in these, this list here, there are many people in here that I would be mixed between an everyday acquaintance, and whether they were specifically there on that date or not, I am sure they were, but, you know.

Q All right, sir. And when you say this list here, you are talking about --

Cooke - direct

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A I'm sorry. I'm talking about the list of RCA executives.

Q Which is two pages of Exhibit 2.

A That's it.



Q In Exhibit 2, Mr. Cooke, I direct your attention to the next-to-the-last page, which is headed "Government."

A Yes.

Q Are there any names on that page that you have any present recollection of who attended the celebration?

A Well, of course, we have to define "celebration" in the sense that if--Hughes was very definitely involved, Governor Hughes. Now, the remaining names on here I am not personally acquainted with and, therefore, could not say from recollection that I saw them there.

Q With respect to Governor Hughes on that page, would it be a correct understanding that at the time it was prepared it was understood that he was going to attend only a banquet on the 28th?

A That's correct.

Q How about the last page of that exhibit?

A I personally don't know any of these people.

Q Do you--I'm sorry, go ahead.

A No, I personally don't know any of these people.

Q Do you have any recollection as to the number of dignitaries that attended this invited

guest portion of the celebration, any part of it?

Was it a hundred? Was it 200? Your best recollection on that, sir.

A I would say in the order of, in the order of 175.

Q Now, would it be a correct understanding, continuing with the list, that we have a person's name and then in the next column, where it says "Affiliation," that's the institution with which that person has an association, whether it be a university, industry, or what have you?

A That's correct.

Q Looking at Exhibits 2 and 3, could you say which is the one that was prepared last as between these two? They are different, sir.

MR. ANDERSON: I will stipulate to that.

A If they are not dated, I couldn't tell the point in time, no.

Q As you have given testimony about Exhibits 2 and 3, has your recollection returned to any degree as to when they might have been-- the originals of them might have been prepared in time?

MR. ANDERSON: I object to the question, the form. If you want to know when they were

prepared, and not when they might have been, I will withdraw my objection.

MR. GOLDENBERG: I accept Mr. Anderson's thought in that matter.

BY MR. GOLDENBERG:

Q Do you understand, sir?

A Yes, I understand. I could not give an exact date which these were prepared.

Q Can you give an approximate date?

A It would have to be close to the actual date of the open house.

Q Now, directing your attention to the matter of the open house portion --

A Define "open house" for me.

Q Well, I'm not going to attempt to do that now, sir. I'm going by the column headed that you have, and I was going to refer to it as the open house portion of the celebration.

A Right.

Q Could you tell us what that was?

I note that it was held on two days, the 28th and the 29th.

MR. ANDERSON: Excuse me. I didn't hear that last part.

You're referring to the 28th and 29th of September?

MR. GOLDENBERG: Yes, sir.

A We had a number of exhibits that were specially prepared for this so-called open house, such that our invited guests could go from one exhibit to another to see some of the things that were going on at RCA Laboratories at that period of time. We had, in addition, talks that were given by invited special dignitaries. We also had a ribbon-cutting ceremony, if you want, of a special room at the laboratories, called the David Sarnoff

Library. We had the banquet.

Do you want more?

Q My specific question was with respect to the open house part of the celebration, and I thought I perhaps adopted your line, which was the entire bundle of activities was the celebration. Part of that celebration was the open house. If that a correct understanding?

A The open house was part of the total package, yes.

Q Now, would it be a correct understanding that the total package, at least with respect to the invited persons, also included a symposia?

A Yes.

Q And a banquet?

A Yes.

Q And the banquet was held, would this be correct, on September 28, 1967?

A Yes.

Q Now, were any of the dignitary invitees to the celebration cautioned or instructed with respect to the confidentiality of any of the exhibits they were to see?

MR. ANDERSON: I object for lack of any foundation.

MR. GOLDENBERG: I believe the witness has testified, and I may have used Exhibits where he used the word "demonstrations" about what was going on in the RCA Laboratories.

BY MR. GOLDENBERG:

Q To avoid any problem there, sir, did I understand you to say that part of the open house was demonstrations of what was going on at RCA Laboratories?

A Yes.

Q Were any of the invited dignitaries cautioned or instructed that what they were seeing was somehow confidential or proprietary to RCA?

A No.

Q Were they instructed that they were not to talk about what they had seen to anybody else?

A No.

MR. GOLDENBERG: I would like the reporter to mark as RCA Deposition Exhibit 4 the document headed "Guided Tours."

(Document entitled "Guided Tours" received and marked RCA Deposition Exhibit No. 4 for identification.)

BY MR. GOLDENBERG:

Q Mr. Cooke, I show you RCA deposition Exhibit 4 and I ask you if you can identify it?

A Yes.

Would you like me to go on with this?

Q Yes. Would you provide that identification.

A In an attempt to be able to give our visitors a sampling of the various different things that we had on exhibit, we knew they couldn't see everything in the time that they were there, so they had their choice of going anywhere they wanted. But if they wanted to take a particular tour or look at a particular set of things, we arranged a program such that without having to go through a detailed list of everything we had they could go on a particular tour that would encompass those things that would be of interest to them. And so we broke the tour down-- or we broke all of the exhibits down into various different categories.

Q Do you know who prepared the original of Exhibit 4?

A Specifically, no.

Q Did you have anything to do with that?

A Yes. It was a case of looking at all of the



things that we had for demonstrations or exhibits, and so on, and trying to put them together into a reasonable grouping. But now as to who in the end ultimately put this piece of paper together, I couldn't answer that.

Q Well, did you have any role in the discussions or decisions leading up to the preparation of the original of Exhibit 4?

A Yes.

Q Could you state what that role was?

A I was part of a group that we had where we had representatives from various different activities in the laboratories that form like a committee, and we would sit around and discuss various different aspects of the open house. And my input was like anyone else's in trying to put these categories together of the tours.

Q Do you know whether or not any of your invited visitors went on any of these tours?

A I can say that the invited guests did go on the tours. Who specifically went on what tours, I wouldn't have any idea.

Q What's the basis for your testimony that the invited guests--at least some of the invited guests went on some of these tours?

A Because by walking around the laboratories I would see people in various different rooms.

Q Do you have any knowledge as to whether or not any of the invited guests attended the display identified as "C" under "Tour V"?

A Yes, there were many people who attended that.

Q Do you recall what that display was, sir?

A Yes. It was a demonstration to show a display using an electronic beam on a kinescope connected with a computer that was actuated by a light pen, and in general, the thing that people, visitors could see, was a demonstration of how one could play an electronic pool game.

Q Could you tell me what a kinescope is?

A A kinescope is a tube that has a phosphor on the face plate and the emission of the light from the phosphor is activated by an electronic beam hitting the phosphor.

Q Would this be what I might call, or someone else might call a cathode ray tube?

A Yes.

Q Could you explain the game of pool in greater detail, if you can?

MR. ANDERSON: I object to the question as lacking in foundation. I think it is unclear whether the witness is now testifying from recollection or from preparation for this testimony within the last week or so.

MR. GOLDENBERG: Mr. Anderson, I don't want to spend a lot of time on this. Your

objection is absolutely ununderstandable to me, sir.

MR. ANDERSON: Let me state that I understand that this witness has within the last week seen some graphic materials relating to what occurred on that occasion, or allegedly occurred on that occasion.

Q Mr. Cooke, could you give me your best recollection today of the pool game I have been inquiring about; that you have testified about?

A Yes. By means of what we call a light pen we were able to start an electronic pool game such that anyone looking at the kinescope could see what appeared to be the representation of a pool game as one would normally play it; whereby there was a rectangle that indicated the edges of the pool table and circles that represented the balls on the pool table. And by means of the light pen you could activate the cue ball to go in a desired direction, much in the same way as you would use a--what do you call the stick?

Q Can I suggest the cue stick to the witness?

MR. ANDERSON: I will accept cue stick.  
The witness is making an appropriate motion.

Q His youth was, perhaps, not quite as misspent as others.

A You could indicate by virtue of the light pen in which direction you wanted the ball to go. The cue ball would then interact with either the edges of the pool table or by virtue of hitting or striking other balls it would create or cause those balls to go in a direction that was predetermined by a computer program.

Q What would happen when a ball interacted with the edges of the pool table?

A It would be deflected and reflected from the edge much in the same way as a cushion would reflect or deflect a ball from a normal pool table.

Q Do you recall meeting with me and Mr. Williams last Friday?

A Yes.

Q Do you recall seeing a film at that time?

A Yes.

Q Do you recall, I think at least I put some questions to you about this matter, sir?

A Yes.

Q Did that activity serve to refresh your recollection with respect to the pool game as demonstrated in September of 1967?

A Yes.

Q Do you recall the film that you saw?

A Yes.

Q Do you have any recollection as to whether or not that film was an accurate depiction of the pool game as played in September of 1967?

MR. ANDERSON: I object to the testimony as based on some piece of tangible evidence that has not been produced so far. It is not in evidence and there is no foundation for what it is or when it was made, I think it is of no probative value at all. It is pure hearsay as to this witness.

MR. GOLDENBERG: Mr. Anderson, I really think the objection--the only word that I am disposed to use at this moment is unworthy.

Mr. Williams, your associate, was with me, you and he are both aware of the problems in duplicating that film, of RCA's desire to preserve the film. RCA has attempted to accommodate us. We all know what film we are talking about, and I think to introduce that in considering all that we have to do and the fact that we have a trial of this case scheduled for Monday, it is just unreasonable.

But to the extent I am going to ask the witness, the witness has testified he recalled the film, he saw the film on Friday.

Q I ask the witness, Mr. Cooke, to the extent that you recall the original pool game in September of 1967, and you recall the film that you have seen this past Friday, do you believe that film to be an accurate depiction of the pool game as played in September of 1967?

MR. ANDERSON: I object to that film as hearsay, as lacking in any foundation, and I understand, and I take it you will stipulate that that film was made long after September, 1967 and, therefore, is of no probative value as to what occurred in 1967; and to have this witness try to validate a film, to try to show what happened in September of 1967 is pure hearsay. That film is of no probative value and I object to any reliance upon that film with this witness's testimony, unless you establish that he made it or he was involved in its manufacture and when it was made. It is totally irrelevant and improper.

MR. GOLDENBERG: I think, perhaps, you misunderstood my question. My question goes strictly to the witness's recollection of the film that he saw and the game that he saw, and is that film, as he recalls both of those events, an accurate depiction. I don't think he validates the film at all.

MR. ANDERSON: I object. I cannot cross-examine him on that film and I object to testimony about any relationship of that hearsay document to anything that happened in September of 1967.

MR. GOLDENBERG: I think we have each made our positions known.

BY MR. GOLDENBERG:

Q Mr. Cooke, could you answer the question, sir?

A I am in the middle. I will say yes.

Q Well, you are not in the middle. Mr. Anderson has made the objection, he has the right to renew that before the court if he chooses.

A The answer is yes.

Q What is the basis of that yes answer, sir?

A During the open house and even prior to the



open house I saw this game played many times and the film that I saw on Friday was a representation of the actual way in which this game was played.

Q Would you characterize it as being accurate or inaccurate?

MR. ANDERSON: I object.

Q According to your recollection, sir. That is all I am seeking.

A It was accurate.

Q Now, sir, directing your attention to the other part of the celebration where the general public was invited, could you describe the circumstances of that invitation; how those people were invited and related matters?

A Yes. We had already set up the demonstrations and exhibits and so on for the special invited guests that we had on the Thursday and Friday of the 25th Anniversary and we, Saturday and Sunday had a general open house whereby people in the community, friends, relatives, organizations and so on could come to the laboratories and see these same exhibits.

Q Do you have any recollection of approximately how many people attended under those circumstances?

A I couldn't give you an accurate number, but it would be in the order of 8,000 people.

Q What is the basis for that answer, sir?

A We knew that all employees would be coming, we provided employees with tickets and passes so that they could bring their friends and relatives. We had other tickets and passes that were made up so that we could give them to organizations in town, and so by virtue of the number of these, we, I think we printed up about 10,000 of these.

Q Were there any restrictions on the employees as to whom they could give these tickets and passes to?

A No.

MR. GOLDENBERG: I would like the reporter to mark as RCA Deposition Exhibit 5 a two-page document bearing the date 8/31/67 and captioned "Interdepartmental Correspondence."

(Exhibit RCA-5 received and marked for identification.)

Q Mr. Cooke, I hand you RCA Deposition Exhibit 5 and I ask you if you can identify it?

MR. TRIPOLI: Take your time and look at it. I notice it is a couple of pages.

MR. ANDERSON: I object to any testimony

from this witness about this document after you have let him study it without laying a foundation through the inquiry about his independent recollection of any events or facts that are allegedly set forth in that hearsay document.

And I object to the document itself as hearsay.

THE WITNESS: All right, what can I do for you?

Q Can you identify that, sir?

A I can say this is one of a number of letters that were written during the preparation for the 25th Anniversary celebration.

Q Have you ever seen a copy of Exhibit 5 previous to this morning?

A Yes.

Q When did you see it, sir?

A I couldn't give you a specific date, but it was sometime during the preparation period for the open house.

Q I direct your attention to page 2, and I note toward the bottom of that page that apparently your name appears on it as the one to whom a copy was sent.

A Yes.

Q Do you recall receiving a copy of this exhibit 5?

A To be honest, specifically I can't say that -- I received so much mail, that to be able to identify that I received that particular piece of information on a particular date is impossible.

Q Do you have any reason to believe you did not receive it?

A No.

Q Is it the kind of document that you would have been receiving in some quantity during the period that you were planning for the celebration?

A Yes.

Q I direct your attention to the first page, paragraph 1, where your name is mentioned specifically. Do you recall the activity referred to in that paragraph numbered 1?

A I don't --

Could you repeat your question?

Q Do you recall the activity referred to in that paragraph 1? And I will read the sentence: "Because of this some other arrangements for traffic need be worked out with Harry Cooke promptly."

Do you recall how some other arrangements for traffic --

A No. All I recall is we had a horrendous -- or we anticipated a horrendous traffic problem. And what specific arrangements I made at that time as to the people who would enter the building, I don't know.

Q Was it part of your responsibility in connection with this celebration to work out traffic arrangements, to help?

A I would say in general. It was the guard's problem to work out the details.

Q Could you identify Mr. Eric James?

A Yes. Mr. Eric James -- I don't know his official designation, but I would call him Plant

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Manager. That's not really right, either. He is in charge of the facilities of the building, the maintenance crews, the buildings and grounds, the guards, the heating and ventilating systems, all that type of thing.

Q How about Mr. A. N. Curtiss?

A A. N. Curtiss was at that time the Vice President of Administration.

Q Were those two gentlemen physically located at the RCA Laboratories, in Princeton?

A Yes.

Q How about Dr. Brown?

A Dr. Brown, he was the Executive Vice President of Engineering at that time.

Q And Dr. Hillier?

A Vice President of RCA Laboratories.

Q How about Mr. Ed Herold?

A Ed Herold was a member of Dr. Brown's staff, I believe, and he was working with me, or I with him, in terms of this anniversary program.

Q You have already identified Mr. Hurford.

A Right.

Q On page 2 I direct your attention to paragraph number 9. If you recall, can you explain what the reference there is to "security procedures"?

A Yes. One of the procedures that we had at the laboratory is that people entering the laboratory should sign in. And by virtue of the fact that we had so many -- or we anticipated so many thousands of people coming it, it would be rather difficult to have a long line of people waiting to sign in. So what we did, was to have these tickets made up so that people could sign them and just drop them on the desk, and that satisfied the security procedures.

Q Were these long, established security procedures at the laboratory, the signing in process?

A Yes.

Q What happened to those ticket stubs?

Do you know?

A I think they were dumped, I think. I have no idea what happened to them.

Q You don't know where they are?

A I don't know where they are.

Q Were any of the people invited to the general open house on Saturday and Sunday cautioned or instructed in any way with respect to the confidentiality or proprietary nature of any of the things they were going to see insofar as RCA was concerned?

A No.

Q Were they instructed or cautioned in any way not to tell people what they had seen?

A No.

Q All right, sir. I'd like to return to Exhibit 1--I'm sorry.

Could you tell me whether the visitors were handed any kind of pamphlet or brochure, or anything, at the time of their arrival at the open house on Saturday and Sunday?

A Yes. We had what we call handouts that allowed people to know what was going on in terms of the laboratories--I mean the exhibits, and things, places



1 where they could go and things that they could see.

2 Q Could you describe that handout, or those  
3 handouts?

4 A Yes. They were a folder that we made up.  
5 It was all typed out. It showed the locations of  
6 various different exhibits and what they would expect  
7 to see if they went to that particular location.

8 Q Do you see a copy of that folder or  
9 handout anywhere in the room today?

10 A A specific copy of that, no, I do not.

11 Q I direct your attention to Exhibit 1 and  
12 I ask you once again if you could identify that and  
13 state whether or not it had any--

14 A This right here is a copy of--

15 Now, you asked me if I saw the other  
16 thing. No, I don't. This is a copy of the material  
17 we handed out.

18 MR. GOLDENBERG: Mr. Tripoli, is the  
19 original of Exhibit 1 in the room?

20 MR. TRIPOLI: Yes, it is.

21 MR. GOLDENBERG: Mr. Tripoli has just  
22 handed me the original of which exhibit 1 is a  
23 copy.

24 BY MR. GOLDENBERG:

25 Q Mr. Cooke, I show you the original and I

ask you if that is a sample of the handout to the visitors on that Saturday and Sunday?

A Yes, it is.

Q Could you state what the purpose of that was?

A As I said before, it was a means of being able to let our visitors know what we had on exhibit for them so that they could go around and look at all of the different exhibits and displays, and so on. And in the centerfold here is a map that indicated how they could find their way around and where the different exhibits were.

Q With reference to Exhibit 1, could you identify the map to which you just made reference?

A This right here?

Q That would be the third page of Exhibit 1 as it is assembled together.

A It depends how you count pages.

Q I have reference to the exhibit now, not the original booklet.

A Yes, third page.

Q I would ask you to take a moment and compare Exhibit 1 to the original of the handout and tell us whether or not--

MR. ANDERSON: I will stipulate that the

copy that you have submitted to us, that Mr.

Tripoli has prepared, is an accurate copy of the original that Mr. Tripoli just took out of his file. That's Exhibit 1 now I'm referring to.

MR. GOLDENBERG: Thank you, sir.

BY MR. GOLDENBERG:

Q With reference to Exhibit 1, could you state whether or not there is any reference to the pool game about which you testified earlier?

A On Page 2, where it says "Location 39.

COMPUTER-CONTROLLED DISPLAY. A cathode-ray tube with a 'light pen' is used to demonstrate man-machine interaction with a computer."

Q Is that the pool game that you have testified about earlier?

A That is the pool game.

Q Does "Location 39" appear on the map on Page 3?

A I was just looking for it. Yes, it does, and it's in the right location.

Q Why do you say "it's in the right location"?

A Because I remember where it was.

Q Do you know whether or not any of the

visitors at the open house on September 30 and October 1, 1967, went to see that pool game?

A Yes.

Q How do you know that?

A I saw them--my wife was there.

Q She was one such visitor?

A Yes.

1 Q Were there other visitors besides your  
2 wife who saw this pool game?

3 A Oh, yes, many.

4 Q On the basis of your present recollection  
5 could you give some qualitative statement as to the  
6 number of people who saw the pool game? Was it a  
7 large number, a small number? However you wish to  
8 put it.

MR. ANDERSON: You mean quantitative?

MR. GOLDENBERG: I mean quantitative.

THE WITNESS: I could not say exactly how  
many people saw this, but I do know that  
that room was constantly full of people, as  
it was a very popular display.

In an open house like this, word gets  
around.

Q Would you characterize it as one of the  
more, or one of the least popular displays?

A I would say it was one of the more popular  
displays.

Q Were any of the visitors permitted to play  
the pool game?

A Yes.

MR. ANDERSON: I object to the question  
as lacking a foundation. There is no basis

1 of what "play" might mean. There has been no  
2 testimony about that.

3 Q Were any of the visitors permitted to take  
4 up the light pencil and set the cue ball into motion?

5 A Yes.

6 Q Do you know whether or not any of the  
7 visitors were provided with explanations of the  
8 mechanism or apparatus used to play the pool game?

9 A We always had people there in attendance who  
0 were knowledgeable about the way in which the game was  
1 played. We had to in order to make sure that the  
2 computer was working right and so on.

3 And as visitors would come in, they would explain  
4 to them in generalities what it was all about.

5 Q Did you personally hear it yourself,  
6 any of these demonstrators make this explanation?

7 A Oh, yes. Yes.

8 Q Are you aware of whether or not there were  
9 any newspaper reports about the celebration?

0 A At the specific time of the celebration I knew  
1 reporters had been invited. But this was not part  
2 of my activity.

3 Q Would you have any knowledge as to whether  
4 after the celebration there were any newspaper  
5 reports?

A There were a number of newspaper reports in general, yes.

Q How do you know that, sir?

A We had a fellow there who was involved in public relations and we were talking about general activities that were going on, what kind of publicity the laboratory was getting.

Q Who was the fellow, if you recall?

A Al Pinsky.

Q Is he still an employee of RCA?

A Yes.

Q Is he at Princeton?

A Yes.

Q Do you know whether or not he made up any records of newspaper reports or anything like that?

A No, I do not. I might -- well, it is general practice in the Public Relations Department to have clipping services, and there is another person at the laboratories who reads through newspapers and looks for articles and things about the laboratories and clips them out of newspapers.

Q Who is that?

A Phyllis Smith.

Q Was Mr. Pinsky an employee of the laboratory in 1967?

A Yes.

Q Was Ms. Smith such an employee?

A Yes.

Q Are both of them still employees?

A Yes.

Q Do they still perform the same function?

A Yes.

I qualified yes in the sense that Al Pinsky, I think, has other responsibilities now as well.

Q Did Mr. Pinsky ever show you any copies of newspaper articles having reference to any aspect of the celebration?

A I would be very surprised if he didn't, but I have seen many, many things that they have come up and shown me. And to specifically say that I remember at a particular time that he gave me a piece of paper or a newspaper clipping and so on, I couldn't.

MR. GOLDENBERG: I would like the reporter to mark as RCA Deposition Exhibit 6 a five-page document bearing the heading note "Pinsky has originals on this."

(Exhibit RCA-6 received and marked for identification.)

MR. ANDERSON: Again, I object to the



document and any entries to it as being hearsay and, therefore, objectionable. I object to any leading of this witness by placing before him a document.

MR. GOLDENBERG: Mr. Anderson, your objection is quite premature. I haven't done anything with the document other than have it marked.

MR. ANDERSON: That's correct, and I presume the way you were holding it there, that you intended to lay it in front of him.

MR. GOLDENBERG: That is a certain kind of omniscience. I wasn't quite sure what I was going to do with it.

In any case, having the thought suggested to me, Mr. Cooke, I show you Exhibit 6 and I ask you if you have ever seen it before?

THE WITNESS: I can't say that I recall specifically having seen this at the time that it was issued, no.

Q All right, sir. Thank you.

Mr. Cooke, I direct your attention to Exhibit 3, which is one of the lists, and to the fourth page of that exhibit. I note, sir, on that page, as well as on some other pages, there are lines drawn through certain names.

A Yes.

Q Could you tell us what those lines mean?

A It means that we got further information to the effect that this person, for some reason or other, had to change their plans and not come.

Q So in each case where there was a line drawn through, that person did not attend, as far as you know?

A We did not anticipate that purpose that person attending. Whether or not he attended or not, I couldn't verify.

[At which time a short recess was taken.]

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MR. ANDERSON: I understand that the direct is complete?

MR. GOLDENBERG: Our direct is complete.

MR. ANDERSON: Mr. Threedy, do you have any direct?

MR. THREEDY: No, nothing.

CROSS-EXAMINATION BY MR. ANDERSON:

Q Mr.Cooke, I think you stated that you were responsible in 1967 for the general flow of technical information from the RCA Laboratory to the world and business associates; do you recall so testifying?

A Yes, right.

Q And those are your duties now?

A No.

Q They were in 1967?

A Yes.

Q Now, what specific technical information, in what disciplines or business areas of the company were you involved in this regard?

A Well, the primary part of it was that we have license agreements with different companies throughout the world, RCA. And when licensees from these companies would come to RCA Laboratories, it was my function to make sure that they were accommodated properly and that they got to see those things that we were willing to show them, and make sure they did not see those things that we didn't want them to see.

Q Well, now, specifically with respect to RCA product lines; what product lines were involved in this technical information?

A I had nothing to do with product lines.

Q What kind of technical information were you distributing? Did it relate to some product?

A No. It related to the technical work that was going on within RCA Laboratories.

Q In what products or disciplines was technical work going on at the laboratory? In other words, what was the activity of the laboratory? Did it relate to computers?

A The laboratories had a base of many things. It had to do with materials; it had to do with devices; it had to do with systems. And computer, in this case, to answer your question, was, in our general terminology, a system.

Q Now, what other types of systems other than computers was the lab involved with? Any others?

A Communication systems, television systems.

Q In 1967, I mean.

A In 1967, yes. We had communication systems. In terms of specific systems for television at that time, probably no; as a general system.

Q What was the laboratory's involvement in television in 1967?

A Oh, we were very much interested in phosphors, in displays--now, let's see, specifically. Oh, sure. The visual aspects of television, kinescopes.

Q What is a kinescope? Is that a--

A I'm sorry. It was defined before as a cathode ray tube.

Q Is it a camera tube?

A We were involved in camera tubes, too. I'm sorry. We were involved in camera tubes.

Q At the laboratory in 1967?

A Yes.

Q Is a kinescope a viewing tube or a camera tube?

A A viewing tube.

Q What other aspects of television was the laboratory involved in in 1967, as far as you recall?

A I thought I had covered it in generalities. We covered pick-up tubes; we covered phosphors; we covered displays; we covered--the thing I am not sure of is whether we were working on deflection systems at that time or not.

MR. TRIPOLI: Mr. Cooke, if you don't recall any further, you can tell Mr. Anderson.

THE WITNESS: Okay, fine.

BY MR. ANDERSON:

Q Mr. Tripoli has provided us with various documents, some of which Mr. Goldenberg has identified. I would show you one entitled "RCA Laboratories 25th Anniversary Open House Committee," and I just note on that page listings of various sections, Section 9, with gaps bound to the last one, Section 93.

To what are those section entries referring, if you know?

A For accounting purposes and personnel purposes, and so on. The various activities in the laboratories are divided into what we call Sections.

Q And what is the subject matter breakdown of the sections, if there is any? In other words, what does Section 9 involve itself with?

A Some could be administrative; some could be technical; some could be--let's see. Patent Department; financial department; personnel department.

Q Is there more than one section in the laboratory devoted to technical work?

A Yes.

Q Roughly how many, if you know?

MR. TRIPOLI: Excuse me. Are you asking the witness --

MR. ANDERSON: As of 1967.

BY MR. ANDERSON:

Q All of these questions relate to as of 1967, Mr. Cooke.

A I can identify four. I'm sure there must be more, though.

Q What are those four that you can identify?

A I believe there was a systems group; a computer group; a materials group; and a device group.

Q Now, you have referred to several different television areas of work at the RCA Research Laboratories. Would those activities fall into one of these four groups that you have mentioned, or all of them, or some different ones?

A No, there would be some crossing of boundaries here.

Q And, if you know, which ones of the four you have mentioned worked on television activities?



A For example, the materials group would be the ones that would be involved in magnetics or phosphors, or something like that, related to kinescopes. The devices group would be involved in the transistors or tubes, or whatever else there is that make up the television systems. The systems group would be involved in the general aspects of how you interconnect different devices in order to provide a display. The computer group would be not related directly to television.

Q Now, you testified that one of the activities of the laboratory was working on computers. What groups did that activity fall within the ones that you can recall?

A Well, outside of the computer group, I take it?

Q I wasn't sure whether the computer group was utilizing the computer to do other people's problems or designing computer. Which was it, or was it something else?

A The computer group was primarily -- well, they were involved in memories and logic systems to try to further the computer art, if you want to call it that.

Q And did the laboratories do any work on computer systems?

A I think that has to be defined, because it was not our charter or role to design a complete computer from the ground up. It was more a case of trying to, as I said before, further the state of the art in terms of new devices that could be used for processing signals faster or retaining information by virtue of having larger memories or utilizing the computer to perform functions. But the laboratories was not in the so-called build from zero base.

MR. ANDERSON: I have had you refer to the second page of this document. I had better have it identified as RCA Deposition Exhibit Number 7.

("List of potential exhibits from Section 10 for 25th Anniversary Open House" received and marked as RCA Deposition Exhibit No. 7 for identification.)

BY MR. ANDERSON:

Q Mr. Cooke, I now lay before you the document which the reporter has marked RCA deposition Exhibit 7, comprising five pages stapled together. Am I correct it was the second page of Exhibit 7 that I showed you and refers to Section 9, et cetera?

A Yes.

Q Have you seen the pages of Exhibit 7 before, if you recall?

A Like I mentioned, in terms of some of these previous pieces of paper that I have seen here, I expect I have, since I am on the distribution list. But I could not say that yes, I recall seeing this specific piece of paper.

Q I notice the numbers with respect to the sections on the second page of Exhibit 7 are of increasing numerical value, with big gaps, as I mentioned between 9 and 93. Is there a section with a number for each numerical value between 9 and 93, or are there gaps?

A I suspect that there are gaps there.

Q Is there a code involved in assigned numbers, if you know?

A You would have to ask somebody else. No, I don't know the reason for assigning a particular

section number to a particular activity. This is for  
accounting purposes, I presume.

Q Is there a code involved in the assigning of number, do you know?

A You'd have to ask somebody else. No, I don't know the reason for assigning a particular section number to a particular activity. This is for accounting purposes.

Q Now, with respect to the people named in Exhibit 7, either at the bottom of the first page under distribution or on the second page with respect to the different sections, do you know if any of those people are involved in computer work at the laboratories, or were in 1967?

A 1967? You mean on both pages?

Q Yes.

A Yes. Dr. Rajchman was in charge of the activity. Sol Amarel, Les Burns, Nat Gordon, Lechner, Mort Lewin, Shahbender.

Q Those are all on the first page of the exhibit, right?

A Yes.

Q Were any of the men named on the first pages in Exhibit 7 involved in TV-type work?

A Well, I don't quite know how to answer this question simply because, well, all right, yes.

Rajchman, for example, was involved in making

displays.

Q For television work?

A For potential--it is an exploratory research program and trying to make a display, what we called at that time a flat panel display. Les Burns was very cognizant of all TV-type systems. Bernie Lechner certainly knew quite a bit about television, television systems.

MR. GOLDENBERG: I will have to object to the answers as given by the witness. I don't think he can really say what another man knows or doesn't know. I think he can testify as to his impression or understanding of their knowledge, and I certainly have no objection to that.

Q You mentioned Mr. Lechner. Who else is involved in TV as of 1967, to the best of your knowledge, on that list on the first page of Exhibit 7?

MR. Sass was, I believe, wasn't he?

A I am not sure what was Andy Sass's role. I remember his name and remember him, but I don't know exactly what his role was at that time. I don't recall.

Q With respect to the second page of Exhibit 7, do you recall if any of those men were involved in TV type of work in 1967?

A The problem here is that people like Lechner, Burns, Lohman, could very well have been involved in some form of television, but specifically I couldn't pin it down.

Q Was the committee for the 25th Anniversary as listed on page 2, on the second page of Exhibit 7, intended to represent a cross-section of the laboratory of some sort?

A Yes.

Q And all of the various activities and disciplines of the laboratory?

A I wouldn't say all. For example, there is no one there from the Financial Department, I don't believe.

Q I notice reference on the first page of Exhibit 1 at the top to RCA Laboratories, and under that David Sarnoff Research Center. Are they synonymous?

A For all intents and purposes, I would have to go on with the dialogue to explain the difference, but for all intents and purposes, I would say yes.

Q Is RCA Laboratory, Laboratories, as

referred to in RCA Exhibit 1, contained within a single building?

A No.

Q How many buildings, as of 1967, I mean?

A Yes.

Q And as of 1967 was the building shown in the various floor plans at the third page of Exhibit 1, one of the buildings of RCA Laboratories?

A Yes.

Q At that time were there other buildings?

A Yes.

Q Were they located at the same geographical location as the building shown in Exhibit 1?

A We had, for example, I don't believe Building 3 shows on there, nor does our laboratory in Zurich; nor does our laboratory in Tokyo.

See, RCA Laboratories. Laboratories, that's why I have to go on with the dialogue. David Sarnoff Research Center is the physical building here that is called the David Sarnoff Research Center.

Q I understand. So the David Sarnoff Research Building is a single building?

A Yes.

Q And that is the building shown on the third page of the floor plans of Exhibit 1?



A Yes.

Q Does that constitute the RCA Laboratories in the geographical United States?

You mentioned Zurich and Tokyo, I think.

A Yes. The thing I am hesitating on, let me say it, the thing I am hesitating on is the fact that we had a laboratory at Rocky Point, Long Island, River Point, Long Island and Broad Street, New York.

Now, whether those laboratories were in 1967 officially closed or whether they were still part of RCA Laboratories, I am not quite sure.

Q You testified that you recalled personally seeing Exhibit 39 shown at the third page of Exhibit 1, the map or the floor plan of the building, and that was on the first floor of the David Sarnoff Research Center, is that right?

A That's right.

Q I notice apparently the block marked 16 was also on the first page, is that correct?

A I don't know, I'd have to look at it.

Yes.

Q Do you recall that exhibit?

A Part of it.

Q And did that relate to television?

A Yes.

Q Was there one of these particular sections responsible for the demonstration or the display number 16 on the floor plan of Exhibit 1?

A I would expect that somebody had to set that up. I don't know exactly which group would be the one responsible for setting that particular exhibit up.

Q Can you name any person that was involved in setting that up?

A No.

Q Can you name any person that was involved in setting up the exhibit number 39 on the first floor of the David Sarnoff Research Center in 1967?

A This would have to be Teger and French.

Q Anyone else that you can recall?

A I would expect that others were involved in setting that up, but by name I could guess, that's all.

Q Do you recall that there were any other displays or exhibits in the open house in 1967 relating to television or television receivers other than the one at location 16?

A I believe we had set up an ITV system, Industrial Television System. I couldn't pick it out here.

Q I see another one down at 41, "TV Phosphors."

A Oh, yes, sure.

Q They relate to television?

A Yes.

Q Any others that you can pick out just in scanning the list?

A Camera tubes.

Q What number?

A Number 4 on the ground floor. We have already identified 16.

Can I look up one of these things?

Q Sure. You are looking in the subsequent pages of Exhibit 1, is that right?

A Yes.

41 was identified. 42 was identified. 43.

That's about it.

Q Were all of the exhibits listed in Exhibit generated from activities at the David Sarnoff Research Center, to the best of your recollection?

A Yes. I am looking at this Item 7 here, space technology. We may have gotten something from our astro division just as a little added spice. Yes.

Q Is that Item 7?

A Item 7, yes. I think we went to one of our astro divisions to bring in some of the things that they were doing because people were interested in space technology and so on.

Q Is there any significance, subject matterwise, to the floor on which a given exhibit appeared in the chart shown on the third page of Exhibit 1?

A Yes and no. Where it was proven to show the exhibit in the location where it normally is or was, it was done there. Where we might have had some work going on where we didn't want people on the outside to see, we might have moved that from one location and put it into another room.

Q With respect to the various television-type exhibits that you have just listed, were they in their normal location, to the best of your recollection, where the work was being done?

A I will have to go through this thing again.

For example, this evolution of TV in 16, this was nothing more than like a historical-type of thing. There was not, for example, specific work going on on the evolution of TV, but it was like old pick-up tubes and old kinescopes and old TV sets, and saying this is the way the TV industry grew. So

that was an exhibit that was specifically set up in a vacant room. I think that room is normally a conference room, for example.

Q Did it show RCA's involvement in that growth?

A Yeah, sure.

Q All right.

Then, if you can, cover the rest that you mentioned.

A I will go back. All right, 4.

Now, to go back and find 4. All right, camera tubes in item 4. I would say that was not the normal location for doing the work. I think that was at that time a cafeteria. I would say that 41 on TV phosphor was about its normal location. I would say 42 was specially set up.

In other words, it was not precisely the area at which we would be doing kinescope work.

Item 43, I would say was in its normal location. This was all relative to TV?

Q Yes.

Q And with respect to the Location 39, where you said the computer was being demonstrated, was that the computer's normal location?

A That was that particular computer's normal location, yes.

Q Do you know anything about the computer, what computer it was, or anything about its physical characteristics?

A Yes. It was RCA Spectra. I don't know whether it's a 15 or 25.

Q Do you recall that from 1967, or was that as a result of your recent review?

A No, I knew that in 1967. I said I don't know whether it was a 15 or 25.

Q Was it then a commercial product of RCA?

A Yes.

Q Or was it a laboratory product?

A No. It was a commercial product.

Q Do you know what CRT was used or display was used in that demonstration?

A Yes. It was an IDI display.

Q What does IDI stand for?

A I believe it's Information Display, Incorporated.

Q I might ask, Mr. Cooke, do you have a technical academic background?

A Yes.

Q What is your technical background?

A Engineering.

Q What field of engineering?

A Mechanical.

Q From what institution?

A Rensselaer.

Q In what year?

A '50.

Q Mr. Goldenberg took you through Exhibit 2 and asked you about specific people and whether you recalled them, and so forth. And you mentioned on the first page a gentleman from Siemens.

Is Siemens a company that manufactures home entertainment equipment, among other things?

A Wait a minute now. Holzler.

Q Mr. Williams said an invitation went out to Siemens.

A Yes. But there are different people from Siemens. Holzler is from Siemens. Holzler, I knew; DalMonte, I didn't.

I think Siemens is involved in TV, but I'm not exactly sure.

Q With respect to Tokyo/Shi. ELEC.,

on page 1 of Exhibit 2, to what company does that refer, if you know? Is that company sometimes known as Toshiba?

A No. This would be Shiba Electric.

Q Do they make a product sold under the name of Toshiba, if you know?

A That I don't know.

Q You're familiar with Hitachi, the next one on Exhibit 2, on the first page?

A Yes.

Q They make television receivers; is that right?

A Yes.



MR. GOLDENBERG: Mr. Anderson, to shorten this, I am willing to stipulate that many companies make television receivers.

MR. ANDERSON: On this list? Including Robert Bosch?

MR. GOLDENBERG: I don't know about Robert Bosch.

I would certainly stipulate with regard to Tokyo, Toshiba, Tokyo/Shigora; Phillips does.

I don't know about Siemens. I don't know about Brown, Boveri.

MR. ANDERSON: The next page, will you stipulate that Zenith Radio makes television receivers?

MR. GOLDENBERG: Yes.

MR. ANDERSON: And on that same page, Motorola.

MR. GOLDENBERG: General Electric.

MR. ANDERSON: Raytheon.

MR. GOLDENBERG: Do they still? I don't know.

MR. ANDERSON: They certainly did. I don't know that, either.

Hazeltine is deeply involved in television research. We stipulate to that. And

particularly, Bernard D. Loughlin, No. 22 on Page 3.

MR. GOLDENBERG: I can't stipulate with regard to Dr. Loughlin. I don't know that.

Certainly, I would stipulate that that company is involved in television research.

MR. ANDERSON: And also on the fourth page of Exhibit 2, we stipulate that Philco is involved in television manufacturing, receiver manufacturing, or was at that time?

MR. GOLDENBERG: I think at that time. I'm not sure that they are now.

And Magnavox, of course.

MR. THREEDY: On Page 4 of that exhibit.

BY MR. ANDERSON:

Q Was the demonstration, if you know, No. 39 referred to Exhibit 1, intended to demonstrate the computer and its capabilities?

A Yes.

Q Do you know if at the laboratories today, or at the David Sarnoff Research Center there is current game work going on on the development of TV games?

MR. TRIPOLI: I am going to have to object to that question because it's beyond the scope

of the subpoena and deals in current matters.

It's not matters dealing in 1967.

MR. GOLDENBERG: I join in that objection.

It's not relevant to any of the issues in this lawsuit.

BY MR. ANDERSON:

Q Was there any work actively going on at RCA in 1967 relating to playing games on television receivers?

MR. TRIPOLI: If you know.

Q If you know.

A I have to say yes, because I have this particular exhibit.

Q Is there any reference in that exhibit anywhere to playing games on television receivers?

First of all, what do you mean by a television receiver? Or what did you understand me to mean by television receiver when you answered that question?

A All right. I guess I misunderstood your question, only in the sense that I could not say that this IDI display was a television receiver.

Q All right, then, your answer.

A My answer would have to be I don't know.

Q Was the light pen that you said the person

used to start the demonstration at location 39 a standard RCA product, do you know?

A No.

Q What was it?

A It was part of the IDI display.

Q Have you seen a movie recently showing a computer programmed to demonstrate the pool game?

A I saw the movie on Friday that demonstrated the pool game, yes.

Q Do you have personal knowledge of when that movie was made?

A Specifically, no.

Q Was it after 1967, do you know?

A I would say no.

Q You would say it was before January 1, 1968?

A All right. I forgot that we have a time difference here. It was made in and about the time of the open house. That's as specific as I could be.

Q But you don't know whether it was in '67 or '68?

A Not to cross the boundary line, no.

Q I notice on the first page of Exhibit 1 the entry at the bottom of the page, "CAMERAS NOT PERMITTED."

A Right.

Q Was that enforced, do you know?

A No.

Q Cameras were permitted?

A Cameras were permitted by permission.

Q Were they permitted in all facilities at the David Sarnoff Research Center involved in the open house or only in certain parts?

A They were permitted by permission to go to specific designated areas and take pictures.

Q But other than that, there was a general ban on using cameras at the open house; is that correct?

A That's true.

Q At Page 2 of Exhibit 1, under the legend "Location 39," it says, "A cathode-ray tube with a 'light pen' is used to demonstrate the man-machine interaction with a computer."

I think you testified that an operator pointed the light pen at a particular point to make the cue ball take off; is that correct?

A Yes. The operator pointed the light pen at what represented the cue ball.

Q And then the demonstration began at that point; is that correct? The ball started to move?

A Yes.

Q And am I correct there was no other man-machine interaction after that? The one who started it sat back and watched as the balls moved around; is that correct?

A Yes.

Q So in the performance of the demonstration at Location 39, the only man-machine interaction was the pointing of the light pen by an operator to start the balls moving; is that correct?

A Well, if you discount the fact that somebody has to push the buttons to get the machine in operation, or get the computer working.

Q To start it, in the first place?

A Yes. Somebody has got to push the "On" button.

Q Let's conclude that. Is there anything else?

A No, that was it.

Q I think you mentioned something about "playing the game" in your direct testimony. And I gather by that you mean what you have just described as the interaction, namely picking up the light pen and pointing it at the screen to start the balls in motion; is that right?

A Yes.

Q Now, you testified on direct examination that this film that you saw last Friday in your opinion was an accurate depiction of what was displayed at Location 39 at the open house in 1967; am I correct?

A Yes.

Q Now, isn't it a fact that in that movie showed that an actual pool table with people holding cues and hitting the balls?

A That's exactly why I hesitated answering your question directly, because I thought of the same thing.

Q That was in the film; am I right?

A That was in the film. But it was not in the room at that particular time during the exhibit.

Q Is there anything else that you can recall that was in the movie that you saw last Friday that was not in that particular exhibit at Location 39 in 1967?

A The picture--the film when it showed the display, that was the portion of it that was representative of the display that was there in 1967.

Q So what you saw last Friday looked like what you recalled in Room 39, at Location 39?

A Yes, excluding the pool table.

Q In Exhibit 5, paragraph 10, there is

reference to a film. Now, that's not the film you saw last Friday, is it?

A No.

Q What was that film, if you recall?

A That was a film about the corporation.

Q Extolling the virtues of RCA?

A Right.

Q Now, during your direct examination I think you testified that after the light pen was pointed at the CRT and the demonstration began, it looked like what one would normally see in a pool game. Do you recall?

A Yes.

Q Now, is it a fact that when the operator touched the pen to the CRT and the balls started to move, they moved at a slower speed and speeded up as the game progressed?

A This is true.

Q And that's not normal in TV--excuse me. That's not normal in pool, is it?

A No.

Q Don't the balls slow down?

A Well, no. Wait a minute. Well, all right. The motion of the ball was a function of how many balls were on the table at that time, were on the kinescope



at that time.

Q If there were more balls, was the motion of the balls slower; or if there were fewer balls, the balls speeded up?

A That's true.

Q Do you know what that was true, of your own personal knowledge?

A Well, I didn't personally program it. But what I was told, as a result of asking questions about this, is the fact that the computer was not fast enough to make all of the computations that were necessary to account for all of the balls when there were many balls on there.

Q So that's the reason they had to run the computer, or run the program slow enough to make the computations and display the balls moving slowly; is that it?

A No. If you had a faster computer--we are talking about '67. Now today we have computers that probably could operate fast enough such that that action or that type of motion would take place.

Q In other words, today they could have computers fast enough so that you would play the game in real time and not in this varying time frame?

A That's correct.

Q You said you are not sure whether it was an RCA Spectra 15 or 25.

A Yes.

Q Did they have about the same speed, do you know?

A Yes. I think the speed was the same. It's a matter of the amount of memory and computing capability that they had.

Q Can you state an approximate price for which the Spectra 15 sold in 1967?

A No.

Q Was it in excess of several hundred thousand dollars?

A I wouldn't want to speculate.

Q You don't have any knowledge of how much it was leased for, approximately?

A No.

Q Do you have any information at all as to the approximate cost of the IDI display?

A No. I was not in the group purchasing this or setting it up.

Q Do you know who was?

A Well, the Teger-French combination.

Q Now, you testified that at the general open house on Saturday and Sunday there was someone

in the room at Location 39. Was that a specific assigned task to some individual, or did people just drift in and out who performed that function?

A People who were responsible for demonstrating that particular display made up their own timetable as to who would be present at any particular instant of time.

Q Do you know the names of any of those people today?

A Well --

Q Who were assigned to that task?

A Yes. Again we go back to Teger and French.

Q Any others that you know of?

A Yes. I think there was a technician in there, which I am not -- I don't recall his name.

Q Did you actually hear any presentation of one of these people at location 39 during the general open house on Saturday or Sunday?

A I expect I did.

Q Do you recall the presentation at all, what they explained?

A They were generally talking about how man would interact with a computer, but more of it was devoted to talking about the action of the light pen and what would happen when they touched the light pen to the ball and where the ball would go and trying to explain to them what the -- how they would play the game, in fact.

Q You mean how they would take the pen and touch it to the screen?

A Right. Now they would go into the fact that the computer has to calculate all of the actions and the

motions of the balls and how that would be then displayed on the screen.

Q Now, you say they explained how man would interact with a computer. And you were referring to some future use of computers that they were talking about?

A At that time there was a lot of interest in terms of man/machine interaction.

Q For future use of computers, I take it?

A For future use of computers.

Q And you say they explained where the ball would go. That explanation related to what the people were seeing on the screen, is that correct?

A Yes, sure.

Q And am I correct that that would not have enabled anyone to program the computer, is that correct?

A That's correct.

Q Or to set up the game themselves if they happened to have a spectra 25 in their basement?

A Well, when you say set up, that has different connotations to it.

Q Well, you testified that there was an operator control to turn it on and off. I don't mean that. I mean to make a computer perform this

function, do you know whether they gave the people at the open house on Saturday and Sunday enough information to do what RCA had to do in order to make the computer do this demonstration?

A They did not tell them the program, no.

Q Do you have any idea of what was involved in the nature of manhours or any other parameter to program the computer to accomplish this demonstration?

A Yeah. This was several months work. But I wouldn't specify how many manhours went into it or anything like that.

Q Several months work by more than one person?

A By more than one person, right.

Q You testified that you were on the open house committee, I believe, is that correct?

A Yes.

Q Is that open house committee that you were referring to the same committee listed at page 2 of RCA Exhibit 7?

A Yes. Well, there was a committee consisting of three people, Harold, Linder and myself who were in charge of the whole of the activities that were going to go on during those four days. This committee here was what I would call a subcommittee that we three could meet with in setting up displays and finding out what people were going to do to demonstrate their particular activities, whatever they were.

MR. ANDERSON: That's all of the cross-examination that I have.

MR. GOLDENBERG: Mr. Cooke, Mr. Tripoli, I just have a couple of matters that I hope I can finish very quickly.

If you would prefer to break for lunch, all right, but if you give me five or ten minutes, hopefully just five minutes, we can get done.

THE WITNESS: Fine, let's continue.

REDIRECT EXAMINATION  
BY MR. GOLDENBERG:

Q Mr. Anderson asked you about this matter of participant interaction with the computer, and I believe you testified that the interaction involved the touching of the light pen to the cue ball to start the cue ball in motion?

A Not to the cue ball, but to the display.

Q To the display?

A Yeah.

Q To the symbol of the cue ball on the display, is that correct?

A That's more accurate, yes.

Q In the playing of a game of pool to the extent that you saw such a game being played on this device, would a player do that just once or more than once?

A No, a player, by virtue of the light pen, gets the ball going in a particular direction until something happens as would be normal in pool; that is the balls go in the pocket or the cue ball goes in the pocket, or something like this. At which point, why the player would then have to use the light pen again to activate the ball again.

Q Would this be akin to taking your cue



Cooke .. redirect

stick and giving the cue ball another hit as the game progressed?

A Yes.

Q With respect to the film that you saw last week about which you testified today, do you know why that film was made or who made it?

MR. ANDERSON: I object to the question. It is two questions. The first one I object to is lacking a foundation.

The second one I will permit the witness to answer without objection.

Q Let's take my second question. Mr. Anderson is quite right to the extent that he said I asked you two questions.

Do you know who made that film?

A Directly, no.

We talked on Friday about the possibility of BBC making it, but I am not really sure.

Q Do you know why the film was made?

MR. ANDERSON: I object to that question as obviously, lacking in foundation. The witness doesn't even know who made it. There is no reason for this witness to speculate at all as to who made it.

MR. GOLDENBERG: I am not inviting him to

speculate as to who made it, I am asking him yes or no.

Do you know why the film was made?

THE W ITNESS: I believe it was to put on television.

Q Do you know that of your own personal knowledge?

A I have to recall whether -- yes, because there was some talk about it. There was some talk about it then, at the time of the open house.

Q Did you participate in any such conversations, sir?

A Participate in?

Q Talking about this film at the time of the open house?

A No, because I was not part of making the film.

Q All right, sir, thank you.

MR. GOLDENBERG: At this time I would like to offer as exhibits those documents which have been identified as RCA Deposition Exhibits 1 through 7.

MR. ANDERSON: I'd object to RCA Exhibit 6. The witness testified he had never seen it before. It is a collection of various documents with some longhand interlineations and note, and I object to that document.

I object to Exhibits 2 and 3 to the extent that they have interlineations with no evidence as to when the document was prepared or when the interlineations were made.

Other than that, we have no objection to your offer.

MR. GOLDENBERG: Mr. Anderson, can we have a stipulation that RCA-6 was produced to us from the files of RCA; at least we have a stipulation as to its authenticity and origin?

MR. ANDERSON: I will stipulate that Mr. Tripoli or someone in his group did, in fact, produce this document for you, I understand, last week, last Friday.

MR. GOLDENBERG: For us.

MR. ANDERSON: We had access to it also.

MR. GOLDENBERG: Then it is from the files of the RCA Corporation?

MR. ANDERSON: I think that Mr. Tripoli has stated that and I have no basis today to dispute that.

MR. GOLDENBERG: All right, sir.

Mr. Tripoli and Mr. Cooke, it is the matter of handling the signature with respect to this deposition.

As you are aware, the reporters are preparing daily copy for us. Both sides in this matter are of the understanding that trial in this case will commence next Monday.

I would ask you, Mr. Tripoli and Mr. Cooke and Mr. Anderson to consider whether or not a signature to the deposition could not be waived.

MR. ANDERSON: We discussed this before you arrived. It appears that the witness can probably read it and sign it by tomorrow if you like, and that is probably the best procedure.

MR. TRIPOLI: We have no objection to the witness either signing or not signing. We only would request that he have the opportunity to

review it for errors and any corrections, of course, would be subject to the approval of counsel.

MR. GOLDENBERG: If we could waive signature, not reading, that if there are any corrections, could we ask you to advise Mr. Anderson and Williams and myself as to that? And I think considering all the problems that we have, I think it would be the most efficient way to do it.

MR. TRIPOLI: We have no objection to that procedure.

MR. ANDERSON: As long as we can agree on a correct transcript, I see no reason to insist on having Mr. Cooke sign this transcript.

MR. GOLDENBERG: I don't think that will be a problem.

MR. TRIPOLI: Is that all right with you, Mr. Cooke?

MR. GOLDENBERG: It is a right that you have, and I think Mr. Tripoli can advise you.

THE WITNESS: I will take his advice.

MR. TRIPOLI: All right, we will waive the signing.

(Witness excused.)

CERTIFICATION

WE, EDWIN SILVER and GUY J. RENZI, Certified Shorthand Reporters of the State of New Jersey, do hereby certify the foregoing to be a true and accurate transcript of our original stenographic notes taken at the time and place hereinbefore set forth.

  
\_\_\_\_\_  
EDWIN SILVER, CSR  
\_\_\_\_\_  
GUY J. RENZI, CSR

OCTOBER 27, 1976